

# THE WORLD OF INTERNATIONAL ADOPTION

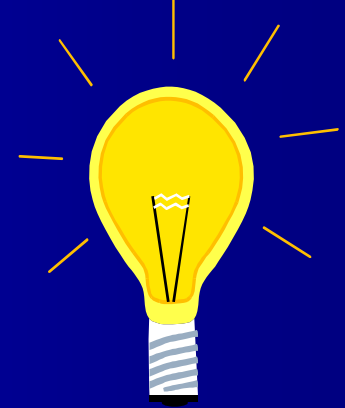




# HOME STUDY ISSUES



# HIGHLIGHTS



**1994 regulations added most of current requirements**

**Set minimum INS standards**

**Eliminated many state to state variances**



# HOME STUDY

**WHO: 8 CFR 204.3 (b)**

**WHEN: 8 CFR 204.3 (c)(2)**

**WHAT: 8 CFR 204.3 (e)**

## INS RESPONSIBILITY:

**Sec. 101(b)(1)(F) INA**

**Sec. 204(d) INA**

**8 CFR 204.3(h)(2)**



# **DEFINITIONS**

## **8 CFR 204.3(b)**

### **ADULT MEMBER OF PROSPECTIVE ADOPTIVE PARENT HOUSEHOLD**

**18 and over**

**Principal/Only residence is home of  
prospective adoptive parent(s)**

**Does not include minor who turns 18  
after I-600A/I-600 is filed**



# DEFINITIONS

## 8 CFR 204.3(b)

### Home Study Preparer

Licensed/authorized by State of orphan's proposed residence to conduct home study

Includes public/private adoption agencies

Includes individuals

IF PAPS reside abroad and adopt abroad may be licensed/authorized by ANY State or foreign authority in country of PAP residence



# Attorney General Responsibility & Authority

Sec 101(b)(1)(F) INA: INS is ultimate authority to determine proper care of child: ...“provided that the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States.”

Sec 204(d) INA: Authority to require favorable home study by a State authorized agency

8 CFR 204.3(h)(2): INS may deny I-600A when home study recommends adoptive parents, but adjudicator has serious concerns regarding fitness of parents/home



# Attorney General Authority

**8 CFR 204.3(h)(2):** If adjudicator has reason to believe favorable home study based on inadequate/ erroneous information, should attempt to resolve issue with home study preparer/agency/adoptive parents. May request review/opinion from appropriate state government authorities.

However, if issues cannot be satisfactorily addressed, INS may deny the I-600A.





# Home Study Guidelines

## **WHEN TO SUBMIT ... 8 CFR 204.3(c)(2)**

- Home Study must be submitted within one year of filing date of I-600A

## **8 CFR 204.3(h)(5):**

- If NOT submitted within one year of filing of I-600A, MUST DENY .
- NO extensions
- NO appeal



# Home Study Guidelines

## Validity Of Home Study...

### 8 CFR 204.3(e)


**HOME STUDY** must have original signatures

**HOME STUDY**, or most recent update, must not be more than six (6) months old at the time home study submitted to **INS**



# Home Study Updates.....

**NO UPDATE REQUIRED** if already submitted & no significant changes  
**MUST UPDATE** after submission if any changes such as residence, marital status, criminal history, financial resources, and/ or addition of child(ren)/ other dependents/ adult members to family prior to the orphan's immigration into the United States or other significant change.



# Home Study Guidelines

## CONTENT of Home Study...

### **8 CFR 204.3(e)(1)**

- Personal Interviews and home visits
- Conduct at least one interview in person with each prospective parent.

Conduct at least one home visit with prospective adoptive parent(s).

Conduct at least one interview in person with any adult member of the prospective adoptive parents' household.



# Home Study Guidelines

## 8 CFR 204.3(e)(1)

- ..Personal Interviews and home visits

- HOME STUDY MUST STATE

Number of interviews conducted

Number of home visits

Summary of any other contact with prospective adoptive parents and any adult member of prospective adoptive parents' household.



# Home Study Guidelines

**... 8 CFR 204.3(e)(2)(i)**

## **–Assessment to Properly Parent Orphan ...**

**INITIAL ASSESSMENT of Physical, Mental, and Emotional Capabilities of Prospective Adoptive Parents to Properly Parent the Orphan.**

**MUST include assessment of adult household member**



# Home Study Guidelines

## 8 CFR 204.3(e)(2)(i)

### – Assessment to Properly Parent Orphan ...

Referral to an appropriate licensed professional for evaluation if beyond home study preparer's expertise: physician, psychiatrist, psychologist, substance abuse counselor, etc.

Home study preparer must apply all requirements to each adult member of the prospective adoptive parents' household.

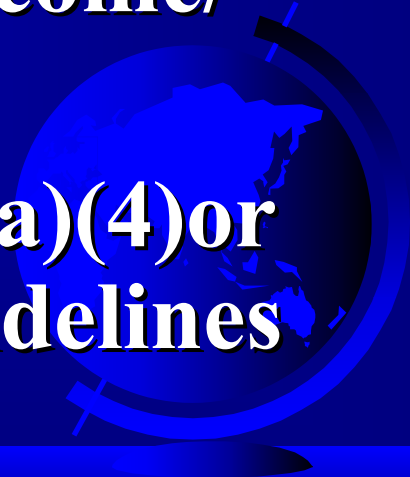


# Home Study Guidelines

## 8 CFR 204.3(e)(2)(ii)

### – Financial Assessment..:

- Financial assessment must include description of income, financial resources, debts, expenses of PAPS.
- Must State evidence considered to verify source/ amount of income/ financial resources.
- Not the same as Sec. 212(a)(4) or Sec. 213A INA\ poverty guidelines /I-864 affidavit of support





# Home Study Guidelines

## 8 CFR 204.3(e)(2)(ii)

### – ...Financial Assessment

- Income designated for support of children in care/ custody of prospective adoptive parents or income designated for support of other household member must not be counted towards financial resources available for support of orphan
- INS reserves right to request detailed financial statement or supporting financial documents.



# Home Study Guidelines

## 8 CFR 204.3(e)(2)(iii)

- History of Criminal, Abuse, Violence
- **CHILD ABUSE REGISTRY** must be checked by home study preparer for prospective adoptive parent **AND** any adult household member if available

Consent must be given if required for registry check

If there is NO child abuse registry in State or State will not release information, home study must explain.



# Home Study Guidelines

## **8 CFR 204.3(e)(2)(iii) Criminal / Abuse History...**

**MUST ASK each PAP and Adult Household Member of any criminal arrest and / or conviction**

**MUST ASK each PAP and Adult Household Member about any history of substance abuse, sexual or child abuse, or domestic violence, even if it did not result in an arrest or conviction.**

**Response to each question must be included in the home study.**



# Home Study Guidelines

## **8 CFR 204.3(e)(2)(iii) ...Disclosure of Criminal / Abuse History...**

- If there is disclosure of criminal history or abuse or violence**

**Home Study must contain an evaluation of suitability of home in light of such history**

**Information must disclose the nature of history of substance abuse, sexual or child abuse, and/ or domestic violence or arrest and date of each occurrence.**



# Home Study Guidelines

## 8 CFR 204.3(2)(iii)(B) Criminal / Abuse History

**Certified copy of final disposition of any arrest, indictment, conviction, judicial judgement or administrative action.**

**Signed statement by Parent or Adult**

**Household Member giving details, including mitigating circumstances, if any, about each incident**

**All of above must be applied to each parent & adult household member**

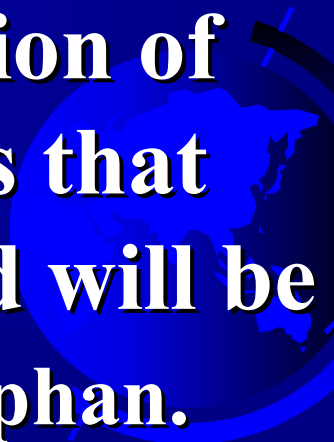


# Home Study Guidelines

## 8 CFR 204.3(e)(2)(iii) Evaluation

Home Study may still recommend prospective adoptive parents even if criminal history or history of substance abuse, sexual or child abuse, and / or domestic violence,

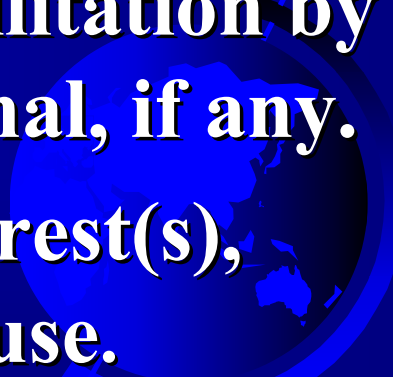
Home Study must include discussion of rehabilitation which demonstrates that prospective adoptive parent is and will be able to provide proper care for orphan.



# Home Study Guidelines

## 8 CFR 204.3(2)(iii)(C) Rehabilitation

### Evaluation Must Include:

- Number of incidents
  - Length of time since last incident
  - Counseling/Rehabilitation programs completed.
  - Evaluation/Evidence of rehabilitation by appropriate licensed professional, if any.
  - Evaluation of seriousness of arrest(s), convictions(s), or history of abuse.
- 

# ...Evidence of Rehabilitation.....

- Discussion of All **FACTS** and circumstances which were considered.
- Home study preparer's reasons for favorable home study.
- Home study preparer must apply all of requirements to any adult member of the household.





# Failure to Disclose/Co-operate

8 CFR 204.3(e)(2)(iii)(D)

8 CFR 204.3(h)(4)

Failure to Co-operate getting child abuse registry check WILL result in DENIAL

Failure to disclose history or arrest, abuse, violence MAY result in DENIAL

If denied for these reasons: No new application/petition filed within one year may be approved



# Home Study Guidelines

## 8 CFR 204.3(e)(2)(iv)

- Previous Rejection for Adoption/ Prior Unfavorable Home Study

MUST ASK parent & adult household member if rejected/ previous unfavorable home study:

- If rejected or unfavorable: explanation
- Copy of each previous rejection / unfavorable home study must accompany favorable home study.



# Home Study Guidelines

## 8 CFR 204.3(e)(3) Living Accommodations

### – Home Study Must Include

Detailed description of current living accommodations and if moving, intended accommodations, if known.

If PAPs reside abroad, description of living accommodations where the child will reside in U.S. if known.

Assessment of suitability of accommodations.

State Requirements met, if any.



# Home Study Guidelines

## 8 CFR 204.3(e)(4) Handicapped or Special Needs Orphan

**Discussion of PAP's preparation, willingness, and ability to provide proper care for such an orphan IF recommending special needs orphan.**



# Home Study Guidelines

## 8 CFR 204.3(e)(5) Summary of Counseling

– Must Include:

**Discussion of processing expenses, difficulties and delays associated with international adoptions.**

**Any plans for post placement counseling.**



# Home Study Guidelines

## 8 CFR204.3(e)(6) Approval for Adoption:

– Home Study must include:

**Specific approval.**

**Discussion of reasons for approval.**

**Number of orphans that may be adopted.**

**Any specific restrictions such as: nationality, age, or gender of orphan.**

**Whether approved for handicapped/ special needs adoption.**




# Home Study Guidelines

**8 CFR 204.3(e)(7) Home Study Preparer Authority** (also 8 CFR 204.3(b))

**Prospective adoptive parents reside in US:**

Home study preparer must be licensed or otherwise authorized to conduct home studies in State of orphan's proposed residence.

Statement must cite State authority or license, specific law authorizing preparer to conduct home studies, license number and or expiration date, if any



# Home Study Guidelines

## 8 CFR 204.3(e)(7) Home Study Preparer's Authority (also 8 CFR 204.3(b))

### **Prospective Adoptive Parents Reside Abroad AND Child Adopted Abroad**

Home study preparer is licensed/authorized to conduct home studies under law of ANY State in US, or authorized by adoption authorities of foreign country to conduct home studies.

Statement must cite State or country under whose authority home study preparer is licensed/authorized, specific law/regulation authorizing preparer, and expiration date, if any.





# Home Study Guidelines

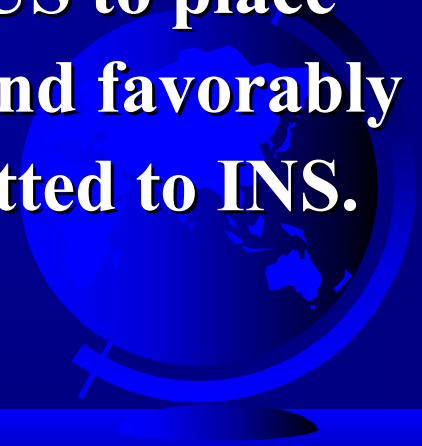
## **8 CFR 204.3(e)(8) Review of Home Study**

### **Prospective adoptive parents reside in U.S.**

IF State requires review of home study, review must occur and be documented before home study is submitted to INS

### **Prospective adoptive parents reside abroad,**

Public or private adoption agency licensed or otherwise authorized by any State in US to place children for adoption **MUST** review and favorably recommend home study before submitted to INS.



# Home Study Guidelines

## **8 CFR 204.3(e)(9) Home Study Update**

**If home study more than six months old at time of submission to INS it must be accompanied by update.**

**Update must include screening for child abuse and inquiry for arrest/history of substance, sex, child abuse or domestic violence, and advise of any significant change such as job, residence, addition of child....**



# Home Study Guidelines

## **8 CFR 204.3(e)(9)(ii)**

- **AMENDMENTS -- REQUIRED AT ANY TIME IF ANY SIGNIFICANT CHANGES, INCLUDING BUT NOT LIMITED TO:**

**Residence of prospective adoptive parents.**

**Marital status**

**Criminal history / abuse history**

**Financial resources**

**Addition of one or more children /other dependents/ adult household members.**



# CERTIFICATION OF AUTHORITY TO CONDUCT HOME STUDIES



**Requires Statement Certifying  
Licensure/Authorization from State Of Orphans'  
Proposed Residence.**

## **LIVING ABROAD AND ADOPTING ABROAD**

- MAY Have Home S
- tudy Prepared Abroad.

**If Authorized By Foreign Country or ANY STATE  
AND**

**Subsequently Approved By Public/Private Child  
Placement Agency Authorized By ANY STATE**



# Remember..



If Adopting **HANDICAPPED** Orphan

- Homestudy Must Evaluate Ability To Parent Handicapped Child.

Must Include # Of Orphans Parents May Adopt.

Homestudy Must State **RESTRICTIONS**, If Any, On **Nationality, Age or Gender** Of Orphan.

- No Restrictions = SO STATE....



# QUESTIONS

# COMMENTS

